

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE SALE AND DETARIFFING OF EMBEDDED) CUSTOMER PREMISES EQUIPMENT)	ADMINISTRATIVE CASE NO. 269
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O R D E R

On March 20, 1991, Cincinnati Bell Telephone Company ("CBT") moved to deviate from certain tariffing requirements related to the disclosure of unlisted and nonpublished numbers to enhanced 911 emergency service providers as set forth in our May 29, 1990 Order. On March 8, 1991, Brandenburg Telephone Company ("Brandenburg"), by letter, requested a like deviation.

BACKGROUND

In the May 29, 1990 Order, we required South Central Bell Telephone Company ("SCB") to provide database information to local governments to enable them to establish enhanced emergency services ("E911"). SCB was also ordered to revise tariffs to provide for a notification and waiver procedure wherein customers subscribing to local exchange company ("LEC") nonpublished and unlisted number services would have to agree in writing that their numbers and associated information could be released to the governmental agencies as a part of the information database. The requirements were to apply to both current and future customers. All LECs were to propose similar tariff provisions.

On February 6, 1990, CBT filed a request for exemption from the tariffing requirements contained in the Order. The Commission denied the request. On July 26, 1990, CBT filed a proposed tariff. By letter dated the same day, the Commission requested an explanation as to why the tariff did not mirror the Order. CBT's proposed tariff stated that the notification process would commence when CBT received a request from a local government agency for database information. However, the May 29, 1990 Order required that the notification process begin immediately. By letter dated August 10, 1990, CBT contended that the tariff did not immediately implement the notification and waiver requirements because there were no independent E911 providers currently operating in its territory and it wanted to avoid unnecessary implementation expenses and customer confusion. By letter dated February 22, 1991, the Commission reasserted its intention to require all LECs in Kentucky to notify and provide a waiver procedure.

DISCUSSION

In support of its motion to deviate from this notification and waiver procedure, CBT contends the following: It is the only E911 provider in its operating territory, has never received a request for subscriber listings, and does not anticipate receiving such requests in the foreseeable future. If CBT implements the Order in the absence of any E911 providers in its territory, CBT may never recover the implementation costs. Other concerns of CBT include unnecessary subscriber confusion resulting from asking

nonpublished subscribers to give consent to a hypothetical situation, and the effectiveness and enforceability of a subscriber's consent or refusal under CBT's existing operations where there are no governmental agencies seeking to provide E911 service. If the deviation is granted, CBT would be allowed to defer the notification and waiver process until an actual request for the database is received from an E911 governmental agency provider. At that time, CBT would contact subscribers who had nonpublished or unlisted numbers on or before the effective date of CBT's tariff and inform them of the disclosure option. Also, CBT would advise customers requesting nonpublished or unlisted numbers after the date of the revised tariff that their numbers would be disclosed to E911 providers.

Brandenburg requests that it be permitted to file tariffs conforming to the following procedure which it undertook in attempting to comply with the May 29, 1990 Order: Brandenburg notified each customer who was currently prescribing to nonpublished or unlisted service that the customer's name, address, and telephone number may be released to an E911 provider, and gave these customers 20 days (in writing) to notify Brandenburg that they did not want the customer information released to an E911 provider. The deviation which Brandenburg seeks concerns the timing of notification of customers. The notification and waiver procedure occurred at a time other than that specified in the May 29, 1990 Order. All new customers requesting nonpublished and unlisted services are notified at the

time of the request that their names, addresses, and telephone numbers may be released to an E911 provider.

Brandenburg undertook these procedures to comply with the Commission's request and to provide the database information necessary for offering E911 to Hardin County in a timely manner.

The Commission, after consideration of the requests of CBT and Brandenburg, finds the requests for deviation should be granted.

IT IS THEREFORE ORDERED that:

1. The requests for deviation from CBT and Brandenburg be and they hereby are granted.

2. Within 10 days of the date of this Order, CBT and Brandenburg shall file tariffs containing the language proposed in their requests for deviation and consistent with this Order.

Done at Frankfort, Kentucky, this 20th day of May, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director